

IN THE DRAWINGS:

A replacement sheet with corrected Figs. 3 and 4 is enclosed.

Also enclosed is a marked-up sheet showing the changes, which will be described in the remarks to follow.

REMARKS:

Careful consideration has been given to the Official Action of September 23, 2004 and reconsideration of the application as amended is requested.

SPECIFICATION

The specification has been amended to correct the spelling of the word occlusal.

DRAWINGS

The lead line for numeral 26 has been redrawn in Fig. 4 to designate the thickened portion, whose extent is now also shown in Fig. 4. In Fig. 3, the thickened portion 26 is also shown. Figs. 3, 4, and 8 are now consistent.

CLAIMS

The claims have been amended to correct the spelling of occlusal.

Claim 1 has been amended to incorporate the allowable subject matter of claim 18 which has been canceled. Claim 1 is thereby deemed to be allowable along with its dependent claims.

The only remaining claims subject to rejection are claims 4 and 5. Claim 4 has been amended and is now deemed to be in condition for allowance along with the other claims. Claim 5 is considered allowable as will be explained

hereafter.

Claims 4 and 5 were rejected under 35 U.S.C. 102(b) as being anticipated by Cathcart (US 2966,908).

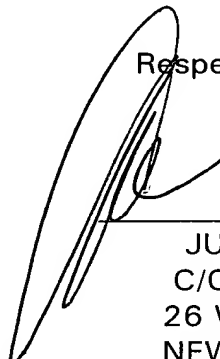
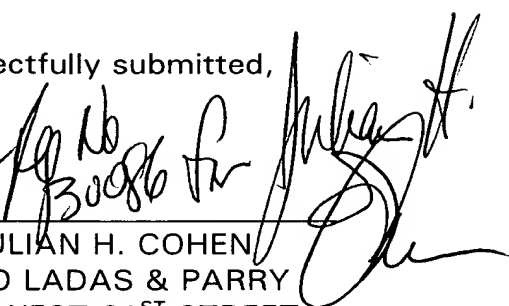
Claim 4 now specifically requires the mouthguard to be of a "U-shaped" transverse cross section so as to provide a base with a lower surface. The lower surface is provided with a shield in the form of a ridge located below the base and extending rearwardly from adjacent the front flange toward the rear flange. In the preferred embodiment, the ridge is identified by the reference numeral 22 in Fig. 2 and is particularly described at page 3, line 34.

In Cathcart, the mouthguard includes a ridge 19. The ridge 19 is located directly below the outer flange 6 and does not extend rearwardly therefrom toward the inner flange. Accordingly, Cathcart lacks two features of amended claim 4, the features being the outer flange toward the inner flange. Accordingly, Cathcart fails as an anticipation and cannot support a rejection under 35 U.S.C. 102(b).

As regards claim 5, herein is also recited the U-shaped transverse cross section in which the forward portion of the base (with the inner and outer flanges) is raised relative to the arm portions. This feature is not shown by Cathcart as explained above and claim 5 is also considered allowable.

In view of the above action and comments, it is considered that the application is now in condition for allowance and favorable reconsideration is requested.

Respectfully submitted,

 
JULIAN H. COHEN
C/O LADAS & PARRY
26 WEST 61ST STREET
NEW YORK, N.Y. 10023
REG. NO. 20302 - 212-708-1887

